

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.14430 OF 2006

DATE OF DECISION: 11.09.2006

Smt.Promila Kumari

....Petitioner

Versus

State of Punjab and others

...Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Malkeet Singh, Advocate for the petitioner.

J.S. Khehar, J.(oral)

The petitioner's husband is stated to have been appointed as a Refrigerator Mechanic Instructor on ad hoc basis at the Industrial Training Institute, Nangal Township. He continued to discharge his duties in the aforesaid capacity from 29.12.1972 to 10.7.1973. He was granted extension from time to time with notional breaks. His services are alleged to have been eventually regularised with effect from 23.7.1980. The husband of the petitioner Suresh Kumar Sharma is stated to have died in harness on 30.5.1994. Through the instant writ petition, the petitioner claims the calculation of family pension payable to her by taking into consideration the service rendered by her late husband Shri Suresh Kumar Sharma from 29.12.1972 to 1.10.1980 as qualifying service, in conjunction with the service rendered by him from 1.10.1980 to 30.5.1994. With the aforesaid objective in mind, the petitioner is stated to have issued a legal notice dated 4.7.2006 (Annexure P2). It is, however, the contention of the learned counsel for the petitioner that no decision has been taken thereon till date.

Learned counsel for the petitioner states that the petitioner will

be satisfied if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the Principal, Industrial Training Institute, Nangal, requiring him to take a final decision on the legal notice dated 4.7.2006 (Annexure P2).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice.

Learned counsel for the respondents states that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.2 i.e. the Principal, Industrial Training Institute, Nangal, to take a final decision on the legal notice dated 4.7.2006 (Annexure P2) by passing a well reasoned speaking order within two months from the date of receipt of a certified copy of this order. In case the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to the petitioner within a further period of one month.

Disposed of accordingly.

Order dasti, on payment of usual charges.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

September 11, 2006.
vig